



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,382	06/14/2001	Donna Spero	2224.005	6882

7590 01/13/2003

Andrew S. Langsam, Esq.
Levisohn, Lerner, Berger & Langsam
Suite 2400
757 Third Avenue
New York, NY 10017

EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,382

Applicant(s)

SPERO, DONNA

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 10/29/2002 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of: a) portion 36 has a larger size in the original drawing, b) portions 36 and 38 are attached to the panel 30, this is not shown in the original drawings c) portions 49 and 14 extend the whole length of the panels in the original drawings, d) there is only one hinge line 41 in the original drawing, and e) the handles 16 are attached to the outside of the bag in the original drawings.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lined plastic in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 4-11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medow (4683570) in view of Manning (3143748). Medow teaches a bag having first and second panels 14b and 14c having side edges substantially perpendicular to the connection at 14a, compartments 46 and others as shown in Figs 3 and 5, and securing means 90. Medow meets all claimed limitations except for the securing means one the side edges. Manning teaches that it is known in the art to provide securing by hook and loop fasteners on the side edges as

Art Unit: 3727

shown in Figs. 2 and 4. It would have been obvious to one of ordinary skill in the art to provide the hook and loop fasteners on the side edges in Medow as taught by Manning to provide added security and/or to keep the inside contents from falling out.

With respect to the bag may be opened with one hand, the modified bag of Medow is capable to be operated in the intended manner.

The pockets inside Medow are capable of storing the various items as claimed.

Regarding claim 8, please note the pocket 56.

Regarding claim 9, please note the pouch formed by section 58 and wall 14c in Fig. 5.

Regarding claim 11, the bag in Medow is made of plastic, i.e., it is lined with plastic. In the very least, portion 36 in Fig. 5 is considered one of the liners.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medow in view of Manning, as set forth above in paragraph 2, and further in view of Fournier (6193034). The modified container of Medow meets all claimed limitations except for the second handle. Fournier teaches that it is known in the art to provide a second handle (two handles 5). It would have been obvious to one of ordinary skill in the art to provide a second handle in Medow in view of Fournier as taught by Fournier to carry the bag securely.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medow in view of Manning, as set forth above in paragraph 4, and further in view of either Adams (4739809) or Chase (D157736). Medow meets all claimed limitations except for the slit in the compartment for holding wipes. Either Adams or Chase teaches that it is known in the art to provide a compartment having a slit (132 in Adams and Fig. 4 in Chase). It would have been obvious to

one of ordinary skill in the art to provide compartment having a slit in Medow as taught by either Adams or Chase to dispense folding wipes/tissues easily.

Response to Arguments

7. Applicant's arguments filed 10/29/02 have been fully considered but they are not persuasive. With respect to the combination of Medow in view of Manning, applicant argues that the reference fails to teach the tugging downward the other panel. Clearly by itself, or in combination with Manning, the bag in Medow is capable of function the intended manner by means of the hook and loop fasteners 90. Furthermore, it is noted that claim 1 recites the bag "may be opened". Clearly, the Medow container by itself, or combined with Manning, is clearly capable of the intended function. Applicant further fails to point out exactly what is absent in the teachings of Medow and Manning references.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3727

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai
Examiner
Art Unit 3727

T. Mai

January 13, 2003